

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

HERANOSH KHOSHABA,

Plaintiff,

v.

FILTRONA EXTRUSION USA, INC.

Defendant.

FILED: MAY 13, 2008

08CV2766 Case No. TG

JUDGE GOTTSCHALL

MAGISTRATE JUDGE VALDEZ

Removed from the Circuit Court of Cook  
County, Case No. 08-L-003365

**TO:** Clerk of Court, United States District Court, Northern District of Illinois, and Plaintiff Heranosh Khoshaba, through her attorneys, Terence J. Moran, Esq., Hughes Socol Piers Resnick & Dym, Ltd., 70 West Madison Street, Suite 4000, Chicago, Illinois, 60602.

**PLEASE TAKE NOTICE THAT,** pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Filtrona Extrusion USA, Inc. hereby notices removal of this action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division. Removal is proper here because this is a “civil action brought in a State court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a). This Court has original jurisdiction based on diversity jurisdiction under 28 U.S.C. § 1332.

In further support of this Notice of Removal, Defendant states as follows:

1. On or about April 14, 2008, Plaintiff Heranosh Khoshaba served the summons and complaint in a civil action captioned *Heranosh Khoshaba v. Filtrona Extrusion USA, Inc.*, in the Circuit Court of Cook County, Illinois. In the complaint, Plaintiff alleges violations of the Illinois Workers’ Compensation Act. A copy of all pleadings, process, and orders served upon Defendant are attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a).

2. This Notice of Removal thus is timely because it is filed within thirty days after service of the Complaint. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999); 28 U.S.C. § 1446(b).

3. A true and correct copy of this Notice of Removal will be served on counsel for Plaintiff and will be filed with the Clerk of the Circuit Court of Cook County, Illinois, promptly after filing this Notice, in accordance with 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached as Exhibit B.

4. This action is properly removed to the United States District Court for the Northern District of Illinois, Eastern Division, because this Court embraces the Circuit Court of Cook County, Illinois, “the place where such action is pending.” 28 U.S.C. § 1441(a).

5. Removal of this action based on diversity of citizenship under 28 U.S.C. § 1332 is proper for the following reasons:

- a) There is complete diversity between the parties. Plaintiff Heranosh Khoshaba is a resident of Cook County, Illinois. (Compl. ¶ 2.) Defendant is a corporation organized under the laws of Virginia, with its principal place of business in Atlanta, Georgia.
- b) The amount in controversy exceeds the jurisdictional amount of \$75,000 under 28 U.S.C. § 1332(a), because the Complaint seeks amounts “in excess of \$100,000” for the claims asserted. (Compl. p 3-4.)

6. Furthermore, removal based on diversity jurisdiction is proper because Defendant is not a citizen of Illinois, “the State in which [this] action is brought.” 28 U.S.C. § 1441(b).

7. No previous Notice of Removal has been filed in this Court for the relief sought herein.

8. By filing this Notice of Removal, Defendant does not waive any of its rights, denials, defenses or objections, including, but not limited to, any defects in service, process or jurisdiction.

Dated: May 13, 2008

EIMER STAHL KLEVORN & SOLBERG LLP

By /s/ Andrew G. Klevorn\_\_\_\_\_

Andrew G. Klevorn  
Michael B. MacKenzie  
Eimer Stahl Klevorn & Solberg LLP  
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mmackenzie@eimerstahl.com

*Attorneys for Defendant  
Filtrona Extrusion USA, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal was served on this date  
via messenger to the following:

Terence J. Moran, Esq.  
Hughes Socol Piers Resnick & Dym, Ltd.  
70 West Madison Street, Suite 4000  
Chicago, Illinois 60602

*Attorney for Heranosh Khoshaba*

SO CERTIFIED, this 13th day of May 2008

/s/ Andrew G. Klevorn

Andrew G. Klevorn

# EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

HERANOSH KHOSHABA

Plaintiff,

vs.

FILTRONA EXTRUSION USA, INC.

Defendant.

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Case No.

**PLEASE SERVE:**

FILTRONA EXTRUSION USA, INC.

c/o C T Corporation System, Registered Agent

208 S. LaSalle Street, Suite 814

Chicago, IL 60604

**SUMMONS**

To Defendant: FILTRONA EXTRUSION USA, INC.

YOU ARE SUMMONED and required to file an answer to the Complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602.

You must file within 30 days after service of this summons, not counting the day of service.

**IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS,

Terence J. Moran  
Hughes Socol Piers Resnick & Dym  
70 W. Madison, Suite 4000  
Chicago, IL 60602  
312/580-0100  
Attorney No. 32662

Clerk of Court

Date of Service: \_\_\_\_\_, 2008  
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

HERANOSH KHOSHABA,	)	
	)	
Plaintiff	)	No.
v.	)	
	)	
FILTRONA EXTRUSION USA, INC.	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff HERANOSH KHOSHABA ("Khoshaba"), by her attorneys, for her Complaint against Defendant FILTRONA EXTRUSION USA, INC. ("Filtrona") alleges the following:

**NATURE OF THE ACTION**

1. Khoshaba brings this action to Redress Filtrona's unlawful termination of Khoshaba's employment in retaliation for Khoshaba's exercise of her right to seek benefits under the Illinois Workers' Compensation Act ("the Act") in violation of a clearly mandated public policy established by Illinois law.

**THE PARTIES**

2. Khoshaba is and at all times relevant to this action has been a resident of Cook County, Illinois.

3. Filtrona is a Virginia corporation which is and at all time relevant to this action has been doing business in Cook County, Illinois.

**JURISDICTION AND VENUE**

4. This Court has personal jurisdiction over Filtrona because Filtrona does business in Illinois and because the transactions and occurrence out of which Khoshaba's cause of action arose took place in Illinois.

5. Venue is proper in Cook County because Filtrona is a resident of Cook County and because the transactions and occurrences out of which Khoshaba's cause of action arose took place in Cook County.

#### **FACTS AND LEGAL CLAIMS**

6. Khoshaba was employed as a packer by Filtrona and its predecessor corporations from January 19, 1999 until her employment involuntarily was terminated on May 17, 2006.

7. On September 3, 2003, Khoshaba sustained a work-related injury to her right shoulder when a bar fell on her at work.

8. Over time, Khoshaba's shoulder pain from that injury continued and worsened. In April of 2005, Khoshaba's physician diagnosed a complete rotator cuff tear in Khoshaba's right shoulder. On May 25, 2005, Khoshaba underwent surgery to repair her right shoulder rotator cuff.

9. Filtrona refused to pay Khoshaba temporary total disability ("TTD") benefits while she was recuperating from her surgery, and failed to pay for her physician-recommended medical treatment of surgery, all in violation of the Act. Khoshaba therefore was required to initiate a claim against Filtrona and the Illinois Industrial Commission, Case No. 05 WC 22440.

10. In late August, 2005, Khoshaba returned to work.

11. Prior to August of 2005, Khoshaba had never been disciplined and enjoyed a good relationship with Filtrona management and Human Resource personnel. Upon her return to work in August of 2005 and thereafter, however, those personnel waged a campaign of hostility and harassment against Khoshaba.

12. During the time she worked at Filtrona after returning to work in August of 2005, Khoshaba, through her counsel, continued to pursue her claim under the Act at the Illinois Industrial



Commission and Filtrona management and Human Resources personnel continued to exhibit hostility toward Khoshaba.

13. On May 1, 2006, Filtrona Human Resources personnel informed Khoshaba that her employment was being terminated because she had refused to wear ear protection devices. That was false; Khoshaba never had refused to wear ear protection devices. Khoshaba protested the decision to discharge her and later was told that the discharge decision had been rescinded .

14. On May 17, 2006, while Khoshaba was stapling boxes with a staple gun, a box that she was stapling slipped and as a result, the staple gun shot a copper staple into a finger on her left hand. After being treated for her injury, Khoshaba returned to work that same day.

15. When Khoshaba returned to work, her supervisor told her that they had to go to the Human Resources office. When they arrived there, Filtrona management and Human Resources personnel told Khoshaba that she was discharged because of her accident with the staple gun, allegedly for violating company safety rules.

16. The asserted basis for Khoshaba's termination was a pretext. The accident was not the result of any safety rule violation by Khoshaba. Moreover, other Filtrona employees who had accidents at work but who did not seek benefits under the Act had not been discharged.

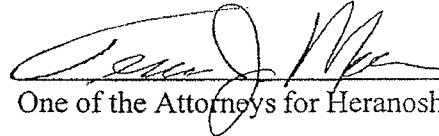
17. Filtrona's true motivation for discharging Khoshaba was to retaliate against her for pursuing her claim under the Act at the Industrial Commission, in violation of a clearly mandated public policy established by Illinois law.

18. As the result of Filtrona's unlawful retaliatory discharge, Khoshaba has suffered injury and damage.

WHEREFORE, Khoshaba Prays for entry of judgment in her favor and an award of

compensatory and punitive damages in excess of \$100,000.

Respectfully submitted,

  
One of the Attorneys for Heranosh Khoshaba

Terence J. Moran, Esq.  
**Hughes Socol Piers Resnick & Dym, Ltd.**  
70 West Madison Street, Suite 4000  
Chicago, Illinois 60602  
312-580-0100  
312-580-1994  
[tmoran@hsplegal.com](mailto:tmoran@hsplegal.com)

# EXHIBIT B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

HERANOSH KHOSHABA,

Plaintiff,

v.

FILTRONA EXTRUSION USA, INC.

Defendant.

Case No. 08-L-003365

To: Cook County Clerk  
Circuit Court of Cook County  
State of Illinois

**NOTICE OF FILING OF NOTICE OF REMOVAL**

PLEASE TAKE NOTICE, that on May 13, 2008, Defendant Filtrona Extrusion USA, Inc., filed a Notice of Removal of this action to the United States District Court for the Northern District of Illinois. A true and correct copy of the Notice of Removal is annexed hereto.

PLEASE TAKE FURTHER NOTICE that the filing of the Notice of Removal in the United States District Court for the Northern District of Illinois and the filing of this Notice effect the removal of this action, and pursuant to 28 U.S.C. § 1446(d), the above-captioned action may proceed no further unless and until the case is remanded.

Dated: May 13, 2008

FILTRONA EXTRUSION USA, INC.

By: Michael B MacKenzie  
One of Its Attorneys


Andy G. Klevorn  
Michael B. MacKenzie  
Eimer Stahl Klevorn & Solberg LLP  
224 S. Michigan Avenue  
Suite 1100  
Chicago, IL 60604  
(312) 660-7600 (Telephone)  
(312) 692-1718 (Facsimile)  
Firm No. 37647

*Attorneys for Defendant  
Filtrona Extrusion USA, Inc.*

**CERTIFICATE OF SERVICE**

I, Michael B. MacKenzie, an attorney, hereby certify I caused a true and correct copy of the foregoing NOTICE OF FILING OF NOTICE OF REMOVAL to be served upon all parties listed below by messenger on this 13th day of May, 2008.

Terence J. Moran  
Hughes Socol Piers Resnick & Dym  
70 W, Madison Street  
Chicago, Illinois 60602  
Fax: (312) 580-1994

  
Michael B. MacKenzie